

Sumter City-County Zoning Board of Appeals

August 11, 2010

BOA-10-18, 280 Trillium Ln (City)

I. THE REQUEST

Applicant:	James Jackson
Status of the Applicant:	Property owner
Request:	The applicant is requesting a 3 ft. variance from the setback requirement of 10 ft. from property lines for pools
Location:	280 Trillium Lane
Present Use/Zoning:	Residential / R-15
Tax Map Reference:	184-15-02-003

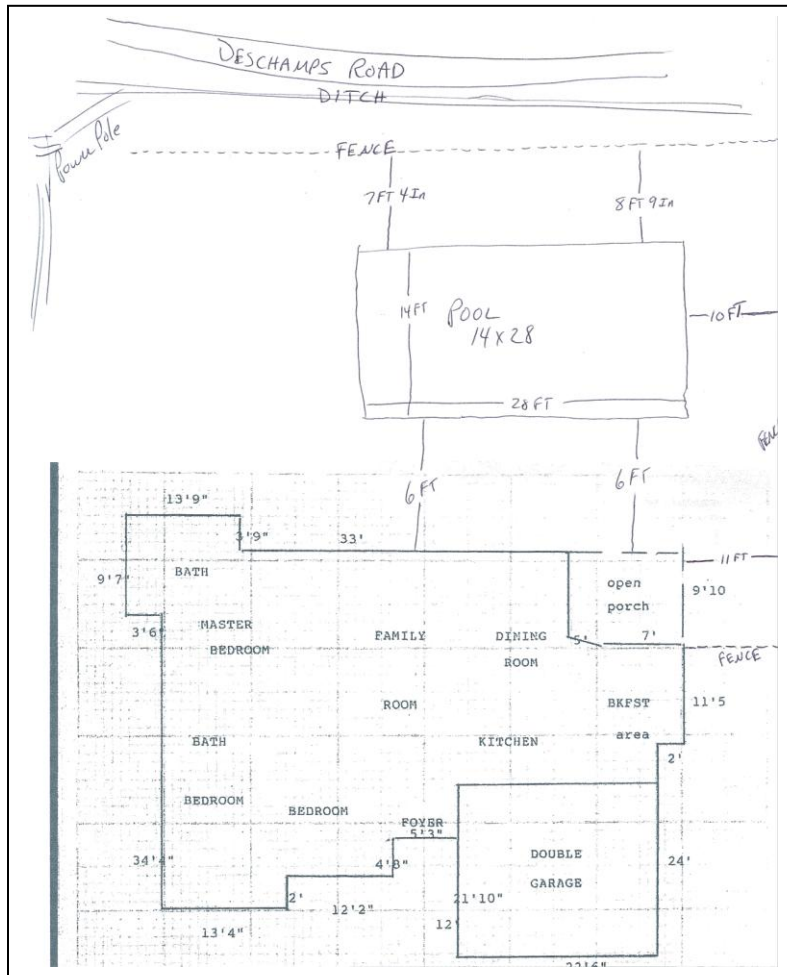
II. BACKGROUND

The owner, James Jackson, proposes to install a 14' wide swimming pool in the rear yard of a residence. The rear setback requirement for swimming pools is 10'. The house sits at a slight angle and the existing rear setback at the rear corner is slightly less than 29' where the swimming pool is to be located. The parcel is a double-frontage lot, facing Trillium Lane and backing up to Deschamps Road.

According to the application and the site photographs, there are existing power pole guy wires in the side yard, so there is no option for the pool placement but in the rear yard.

There is an existing privacy fence that encloses the yard, situated approximately on the lot line. The pool is to be placed approximately 6 feet from the house. As a part of the BOA application, the applicant submitted a schematic site construction drawing showing the proposed size and location of the pool in proximity to the lot lines, the existing fence and house, as shown below.





III. FOUR PART TEST

- 1) *There are extraordinary and exceptional conditions pertaining to the particular piece of property.*

There are physical constraints to the property in the form of power lines in the side yard that prohibit the placement of the pool in any location other than the corner of the rear yard.

- 2) *These conditions do not generally apply to other property in the vicinity.*

These conditions do not apply to other property in the vicinity as there are no power poles on the other lots, and other lots are not as constrained as to depth.

- 3) *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

The conditions imposed on this property would effectively prohibit or restrict the use of the property because a swimming pool is a normal and customary accessory use in residential districts.

- 4) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. It is the minimum necessary to permit the project, and there is fencing surrounding the proposed pool on all sides that will protect adjacent views.

IV. STAFF RECOMMENDATION

Staff recommends approval based on the fact that the proposal meets the requirements of the Four-Part Test.

V. DRAFT MOTIONS FOR BOA-10-18

- A. I move that the Zoning Board of Appeals approve BOA-10-18, subject to the findings of fact and conclusions contained in the draft order, dated August 11, 2010 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-10-18, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-18.

VI. ZONING BOARD OF APPEALS – AUGUST 11, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 11, 2010, voted to approve this request subject to the findings of fact and conclusions on exhibit 1.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals

BOA-10-18, James Jackson – 480 Trillium Ln. (City)
August 11, 2010

Date Filed: August 11, 2010

Permit Case No. BOA-10-18

The Board of Zoning Appeals held a public hearing on Wednesday, August 11, 2010 to consider the appeal of James Jackson of 280 Trillium Lane for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are no extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There are extraordinary or exceptional conditions that prohibit the applicant from meeting the rear setback. There are physical constraints to the property in the form of power lines in the side yard that prohibit the placement of the pool in any location other than the corner of the rear yard.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

These conditions do not apply to other property in the vicinity. The adjacent lots do not have the same site conditions as there are no power poles on the other lots, and other lots are not as constrained as to depth.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

The conditions imposed on this property, the variance is not granted, would effectively prohibit or restrict the use of the property because a swimming pool is a normal and customary accessory use in residential districts, and the request is the minimum necessary to permit the construction of the swimming pool.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. It is the minimum necessary to permit the project, and there is fencing surrounding the proposed pool on all sides that will protect adjacent views.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –
☒ **GRANTED.**

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.
